

Appl. No. : **10/796,609**
Filed : **March 9, 2004**

REMARKS

In response to the Office Action mailed June 14, 2006, Applicants respectfully request the Examiner to reconsider the above-captioned application in a view of the foregoing amendments and the following remarks.

Summary of the Office Action

In the June 14, 2006 Office Action, the Examiner rejected or objected to Claims 1-8, 11-14, 19 and 20 on the following grounds. First, the Examiner objected to Claims 11-14 and 19-20 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner then rejected Claims 1-8 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 5,401,056 (hereinafter "Eastman"). Nevertheless, the Examiner also indicated that Claims 9-24 contain allowable subject matter.

Summary of the Amendment

Upon entry of the present amendment, the Applicants will have amended Claims 1, 11, 13, 19, and 20. Further, the Applicants will have canceled Claims 2-4 without prejudice or disclaimer. As discussed below, the Applicants believe that the objections and rejections have been overcome, and submit that Claims 1 and 5-24 are now in condition for allowance.

In the changes made by the current amendment, deletions are shown by strikethrough (e.g., ~~deletion~~), and additions are underlined (e.g., addition). Applicants believe that the present amendments are remarks place the application in condition for allowance and respectfully request the same.

Traversal of Rejection under 35 U.S.C. § 112, Second Paragraph

The Applicants respectfully traverse the rejection of Claims 11-14 and 19-20 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner objected to Claim 11 as being unclear to which "front section," in line 3, is being claimed, and specifically indicated that the preceding claims claim both a "front section of the second group"

Appl. No. : 10/796,609
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and a “front section of the first group.” The Examiner further objected to Claim 19 as being unclear. The Examiner specifically indicates that lines 2-4, “the frame members that belongs to the second group are spaced apart from each other except for the first and second portions,” are unclear to which portions are being claimed. The Examiner also objected to Claim 20 as being unclear. The Examiner specifically indicates that Claim 20 recites the limitation “the another one of the frame members” is unclear.

With respect to Claim 11, the Applicants respectfully submit that the previously-mentioned “front section of the second group” is not referred to in Claim 11. Rather, Claim 11 introduces a “front section of the first group.” As written, original Claim 11 recites: “The off-road vehicle . . . wherein the wheels include a pair of front wheels, a front section of the first group at least in part being interposed between the front wheels, the front wheels being coupled with the front section.”

In any event, Applicants have amended Claim 11 (and Claim 13 for similar reasons) to clearly state the meaning that was intended and believed to have been conveyed as filed. Therefore, the Applicants respectfully submit that Claim 11 is not unclear as to this language and respectfully request that the Examiner withdraw his rejection of Claim 11 under Section 112, second paragraph.

With regard to Claim 19, the Applicants have now amended Claim 19 to recite:

The off-road vehicle . . . wherein the rear section of the first group includes a front member and the front section of the second group includes a rear member, the first portion of the rear section being a rear end of the front member, the second portion of the front section being a forward end of the rear member, the rear end of the front member being coupled to the rear member and the forward end of the rear member being coupled to the front member with the front member being spaced apart from the rear member.

With regard to Claim 20, the Applicants have now amended Claim 20 to recite: “The off-road vehicle . . . wherein the rear end of the front member is bent outwardly toward the rear member and the forward end of the rear member is bent inwardly toward the front member.

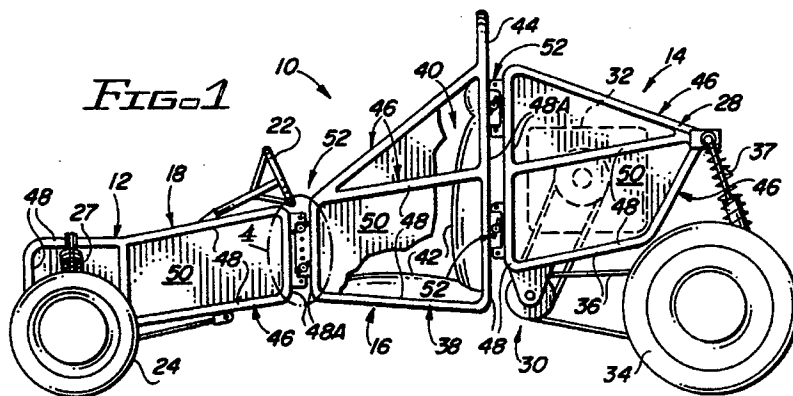
Therefore, the Applicants therefore respectfully submit that Claims 19-20 are now clear as to the references to the particular portion and frame members and respectfully request that the Examiner withdraw his rejection of Claims 19-20 under Section 112, second paragraph.

The Applicants respectfully submit that these amendments overcome the objection of the Examiner with respect to Claim 11-14 and 19-20. Therefore, the Applicants respectfully request that the Examiner withdraw his objection of Claim 11-14 and 19-20.

Traversal of Rejection under 35 U.S.C § 102(b)

Applicants respectfully traverse the rejection of Claims 1-8 as being anticipated by Eastman. As amended, independent Claim 1 now recites, *inter alia*, an off-road vehicle comprising a frame, a plurality of wheels supporting the frame, and a prime mover powering the wheels, the prime mover being mounted on the frame, the frame having a plurality of frame portions extending adjacent to the prime mover, ***the plurality of frame portions surrounding the prime mover on lateral and rear sides of the prime mover***, and ***at least one of the plurality of frame portions being detachably affixed to at least one of the lateral sides***. The Applicants respectfully submit that for the reasons discussed herein, Claim 1 recites novel and distinct features that are not disclosed in Eastman.

As shown in Figure 1, which is shown to the right, Eastman discloses a modular vehicle 10 that has a front vehicular section 12, a rear vehicular section 14, and a center vehicular section 16. See Eastman, col. 3, lines 9-



11. Each of the sections 12, 14, and 16 include respective front, rear and center chassis portions 18, 28, and 38. *Id.* at col. 3, lines 38-43. In turn, the front, rear, and center chassis portions 18, 28, and 38 each include a plurality of interconnected three-dimensional polygonal-shaped open frameworks 46 that are defined by a plurality of elongated rigid tubular members 48 that are rigidly connected to each other. *Id.*

The frameworks 46 of each of the front, rear, and center chassis portions 18, 28, and 38 also include upright extending pairs of segments of upright extending ones 48A of the tubular members 48. *Id.* at col. 3, line 62 through col. 4, line 8. Finally, the modular vehicle 10 also

Appl. No. : 10/796,609
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includes a plurality of releasable connections 52 disposed on the upright extending ones 48A of each of the front, rear, and center chassis portions 18, 28, 38. *Id.*

The releasable connections 52 of Eastman allow the front, rear, and center chassis portions 18, 28, 38 to be assembled, disassembled, and reassembled in a “mix and match” fashion as shown in Eastman’s Figure 7. *See id.* at col. 4, lines 29-40; *see also id.* at Figures 7-8. This interchangeability of chassis portions produces different combinations of front, rear, and center portions 18, 28, 38 that result in the creation of vehicles with different configurations, such as coupe, sedan, station wagon, and pickup bed configurations. *Id.* at col. 4, lines 29-40.

In contrast, independent Claim 1 recites, *inter alia*, that of the plurality of frame portions extending adjacent to and surrounding the prime mover on lateral and rear sides of the prime mover, at least one of these frame portions is detachably affixed to at least one of the lateral sides. As taught in paragraph 114 of the Applicants’ application, one embodiment teaches that the detachable frame portion can be the reinforcement member 300, which can be detachably affixed to the inward lateral sides of the seat pedestal members 297. The reinforcement member 300 can extend adjacent to the engine unit 148 and provide additional strength to the frame 32 and aid in protecting the engine unit 148. Nevertheless, because the reinforcement member 300 is detachable, a mechanic or repair person can remove the reinforcement member 300 to access the portion of the engine unit 148 for maintenance or repairs.

Eastman does not disclose at least this feature—that such a frame portion can be detachable. Instead, Eastman discloses that the three separate portions of the entire frame of the vehicle—front, rear, and center chassis portions 18, 28, 38—are each made of rigidly interconnected tubular members 48 and that each portion 18, 28, 38 is attachable/detachable to the other, as shown in Figures 7-8 above. The motor 32 of Eastman sits in the open three-sided framework 46 of the rear chassis portion 28, *see* Eastman, col. 3, lines 23-32. This framework 46 is formed from rigidly connected tubular members 48 that surround the motor 32 on the lateral and rear sides of the motor 32. However, Eastman is devoid of any disclosure whatsoever that one of the tubular members 48 of the rear chassis portion 28 is detachable from the rear chassis portion 28. Eastman does disclose that the rear chassis portion 28 can be assembled/attached and disassembled/detached from the center chassis portion 38, but this does not disclose the embodiment of the off-road vehicle of Claim 1.

Appl. No. : **10/796,609**
Filed : **March 9, 2004**

Additionally, Eastman states that the vehicle can be assembled, disassembled, and reassembled by using the releasable connections 52 to attach/detach various front, rear, and center chassis portions 18, 28, 38 to/from each other to produce different configurations of vehicles, such as coupe, sedan, station wagon, and pickup bed configurations. *Id.* at col. 4, lines 29-40. However, this does not disclose that an individual tubular member 48 can be assembled or disassembled from the framework 46. Indeed, Eastman does not disclose that any tubular member 48 is detachable from a chassis portion 18, 28, 38, and therefore does not disclose the detachable frame portion of Claim 1.

Therefore, Applicants respectfully submit that, because the detachable frame portion recited in Claim 1 is not disclosed by Eastman, Eastman fails to disclose each and every feature of Claim 1. Consequently, Applicants respectfully submit that Eastman does not provide sufficient evidentiary basis to support a rejection of Claim 1 under Section 102(b). Thus, Applicants respectfully request that the Examiner withdraw his rejection of Claim 1 under Section 102(b) and indicate that Claim 1 is allowable over the art of record.

Furthermore, Applicants also respectfully request that the Examiner indicate that Claims 2-8 are also allowable because these claims depend from an allowable base claim, Claim 1 and because at least some of these claims recite further patentable distinctions..

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicants have not presented arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above. Applicants reserve the right to later contest whether a proper motivation and suggestion exists to combine these references, taking into account the disclosure in the applied references that teaches away from the combination made in the pending Office Action.

Appl. No. : 10/796,609
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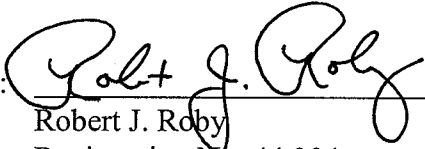
The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 11.13.2006

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